

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

The Black & Decker Corporation, Black &
Decker, Inc. and Black & Decker (U.S.) Inc.,

Plaintiffs,

v.

Positec USA Inc. and RW Direct Inc.

Defendants.

No.: 11-cv-5426
Honorable Robert M. Dow

DEFENDANTS' MOTION FOR SUMMARY JUDGMENT

Defendants Positec USA Inc. and RW Direct Inc. move this Honorable Court to grant Defendants' Motion for Summary Judgment on Plaintiffs' registered trademark claim and Plaintiffs' unregistered trade dress claim pursuant to Federal Rule of Civil Procedure Rule 56(a). For the reasons set forth in Defendants' accompanying Memorandum of Law in Support of its motion and based on the undisputed facts set forth in Defendants' accompanying Local Rule 56.1(a)(3) Statement of Undisputed Material Facts, Defendants respectfully request that this Court grant their motion for summary judgment and grant such other relief as this Court deems to be just and proper. All exhibits are included in the Appendix of Exhibits Cited in Defendants' Local Rule 56.1(a)(3) Statement of Undisputed Material Facts, filed concurrently herewith.

Dated: May 31, 2019

Respectfully submitted,

/s/ Brian D. Roche

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On behalf of Defendants

CERTIFICATE OF SERVICE

I hereby certify that the foregoing document was served by ECF on all known parties on this 31st day of May, 2019.

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